

AMENDED IN SENATE JUNE 15, 1998  
AMENDED IN ASSEMBLY MAY 7, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1646**

**Introduced by Assembly Member Battin**

January 6, 1998

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An act to amend Section 3003 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 1646, as amended, Battin. Parole.

Existing law prohibits returning an inmate who is released on parole to a location within 35 miles of the actual residence of a victim of, or a witness to, any specified violent felony or a felony in which the defendant inflicts great bodily injury on any person other than an accomplice, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of a victim or witness.

This bill would prohibit the placement of an inmate who is released on parole for a conviction of any lewd or lascivious act with a child under 14 years of age or continuous sexual abuse of a child within ~~one-half~~ *one-quarter* mile of any school including any or all of grades kindergarten to 6, inclusive.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3003 of the Penal Code is  
2 amended to read:

3 3003. (a) Except as otherwise provided in this  
4 section, an inmate who is released on parole shall be  
5 returned to the county that was the last legal residence  
6 of the inmate prior to his or her incarceration.

7 For purposes of this subdivision, “last legal residence”  
8 shall not be construed to mean the county wherein the  
9 inmate committed an offense while confined in a state  
10 prison or local jail facility or while confined for treatment  
11 in a state hospital.

12 (b) Notwithstanding subdivision (a), an inmate may  
13 be returned to another county if that would be in the best  
14 interests of the public. If the Board of Prison Terms  
15 setting the conditions of parole for inmates sentenced  
16 pursuant to subdivision (b) of Section 1168, or the  
17 Department of Corrections setting the conditions of  
18 parole for inmates sentenced pursuant to Section 1170,  
19 decides on a return to another county, it shall place its  
20 reasons in writing in the parolee’s permanent record and  
21 include these reasons in the notice to the sheriff or chief  
22 of police pursuant to Section 3058.6. In making its  
23 decision, the paroling authority shall consider, among  
24 others, the following factors, giving the greatest weight to  
25 the protection of the victim and the safety of the  
26 community:

27 (1) The need to protect the life or safety of a victim,  
28 the parolee, a witness, or any other person.

29 (2) Public concern that would reduce the chance that  
30 the inmate’s parole would be successfully completed.

31 (3) The verified existence of a work offer, or an  
32 educational or vocational training program.

33 (4) The existence of family in another county with  
34 whom the inmate has maintained strong ties and whose  
35 support would increase the chance that the inmate’s  
36 parole would be successfully completed.



1 (5) The lack of necessary outpatient treatment  
2 programs for parolees receiving treatment pursuant to  
3 Section 2960.

4 (c) The Department of Corrections, in determining  
5 an out-of-county commitment, shall give priority to the  
6 safety of the community and any witnesses and victims.

7 (d) In making its decision about an inmate who  
8 participated in a joint venture program pursuant to  
9 Article 1.5 (commencing with Section 2717.1) of Chapter  
10 5, the paroling authority shall give serious consideration  
11 to releasing him or her to the county where the joint  
12 venture program employer is located if that employer  
13 states to the paroling authority that he or she intends to  
14 employ the inmate upon release.

15 (e) (1) The following information, if available, shall  
16 be released by the Department of Corrections to local law  
17 enforcement agencies regarding a paroled inmate who is  
18 released in their jurisdictions:

19 (A) Last, first, and middle name.

20 (B) Birth date.

21 (C) Sex, race, height, weight, and hair and eye color.

22 (D) Date of parole and discharge.

23 (E) Registration status, if the inmate is required to  
24 register as a result of a controlled substance, sex, or arson  
25 offense.

26 (F) California Criminal Information Number, FBI  
27 number, social security number, and driver's license  
28 number.

29 (G) County of commitment.

30 (H) A description of scars, marks, and tattoos on the  
31 inmate.

32 (I) Offense or offenses for which the inmate was  
33 convicted that resulted in parole in this instance.

34 (J) Address, including all of the following information:

35 (i) Street name and number. Post office box numbers  
36 are not acceptable for purposes of this subparagraph.

37 (ii) City and ZIP Code.

38 (iii) Date the address as provided pursuant to this  
39 subparagraph was proposed to be effective.

1 (K) Contact officer and unit, including all of the  
2 following information:

3 (i) Name and telephone number of each contact  
4 officer.

5 (ii) Contact unit type of each contact officer such as  
6 units responsible for parole, registration, or county  
7 probation.

8 (L) A digitized image of the photograph and at least  
9 a single digit fingerprint of the parolee.

10 (M) A geographic coordinate for the parolee's  
11 residence location for use with a Geographical  
12 Information System (GIS) or comparable computer  
13 program.

14 (2) The information required by this subdivision shall  
15 come from the statewide parolee data base. The  
16 information obtained from each source shall be based on  
17 the same timeframe.

18 (3) All of the information required by this subdivision  
19 shall be provided utilizing a computer-to-computer  
20 transfer in a format usable by a desktop computer system.  
21 The transfer of this information shall be continually  
22 available to local law enforcement agencies upon request.

23 (4) The unauthorized release or receipt of the  
24 information described in this subdivision is a violation of  
25 Section 11143.

26 (f) Notwithstanding any other law, an inmate who is  
27 released on parole shall not be returned to a location  
28 within 35 miles of the actual residence of a victim of, or  
29 a witness to, a violent felony as defined in paragraphs (1)  
30 to (7), inclusive, of subdivision (c) of Section 667.5 or a  
31 felony in which the defendant inflicts great bodily injury  
32 on any person other than an accomplice that has been  
33 charged and proved as provided for in Section 12022.7 or  
34 12022.9, if the victim or witness has requested additional  
35 distance in the placement of the inmate on parole, and if  
36 the Board of Prison Terms or the Department of  
37 Corrections finds that there is a need to protect the life,  
38 safety, or well-being of a victim or witness.

39 (g) Notwithstanding any other law, an inmate who is  
40 released on parole for any violation of Section 288 or 288.5

1 shall not be placed within ~~one-half~~ *one-quarter* mile of  
2 any school including any or all of grades kindergarten to  
3 6, inclusive.

4 (h) The authority shall give consideration to the  
5 equitable distribution of parolees and the proportion of  
6 out-of-county commitments from a county compared to  
7 the number of commitments from that county when  
8 making parole decisions.

9 (i) An inmate may be paroled to another state  
10 pursuant to any other law.

11 (j) (1) Except as provided in paragraph (2), the  
12 Department of Corrections shall be the agency primarily  
13 responsible for, and shall have control over, the program,  
14 resources, and staff implementing the Law Enforcement  
15 Automated Data System (LEADS) in conformance with  
16 subdivision (e).

17 (2) Notwithstanding paragraph (1), the Department  
18 of Justice shall be the agency primarily responsible for the  
19 proper release of information under LEADS that relates  
20 to fingerprint cards.

